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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/515,266

02/29/2000

Carl William Riley

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25267

7590

10/24/2002

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EXAMINER

THOMAS, COURTNEY D

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/515,266

Applicant(s)

RILEY, CARL WILLIAM

Examiner

Courtney Thomas

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19, 60-69 and 71-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19, 60-69 and 71-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### **DETAILED ACTION**

1. Applicant's election without traverse of claims 1-19, 60-69, and 71-73 in Paper No. 8 is acknowledged.

#### ***Drawings***

2. This application has been filed with informal drawings that are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19, 60-69 and 71-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuji et al. (U.S. Patent 5,796,890) in view of Makrinos et al. (U.S. Patent 5,796,890).

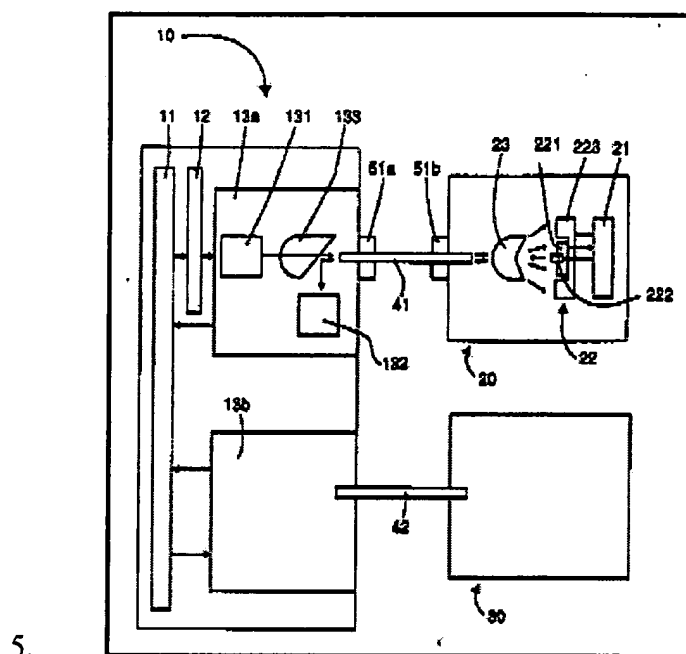


Figure 1 - U.S. Patent 5,796,890 to Tsuji et al.

6. As per claims 1, 60 and 71-73, Tsuji et al. disclose an apparatus (and method) comprising: an optical channel (41) having a first end (i.e. Fig. 1, near connector 51a) and a second end (i.e. Fig. 1, near connector 51b) a light source (131) adjacent the first end for transmitting light through the optical channel; a detector (223) adjacent the second end producing electrical power when impinged upon by the light; a signal generator (222; column 4, lines 41-43) adjacent the second end powered by the electrical power generated by the electrical power from the detector (column 4, lines 55-58), the signal generator transmitting optical signals in response to input from a remote isolated circuit (see Fig. 1); a sensor (132) adjacent the first end (i.e. Fig. 1, near connector 51a) for producing electrical signals in response to the optical signals (column 5, lines 35-36).

7. Tsuji et al. do not explicitly disclose an input being generated by a user of a remote isolated circuit.

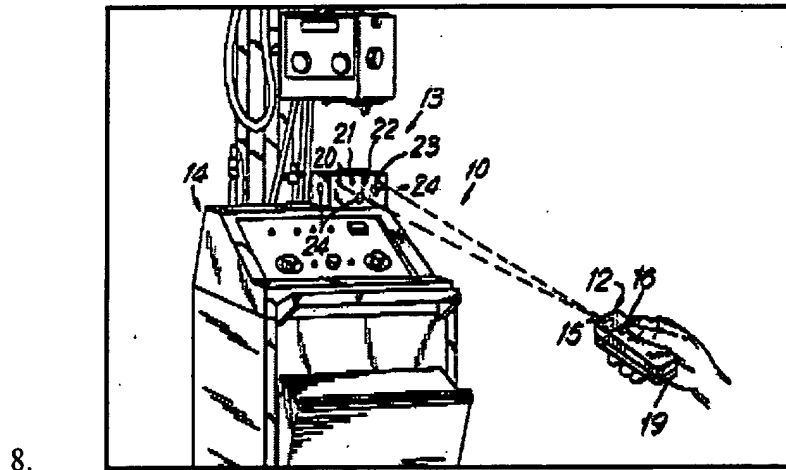


Figure 2 - U.S. Patent 5,206,894 to Makrinos et al.

9. Makrinos et al. disclose an apparatus configured to respond to an input generated by a user of a remote isolated circuit (12) (Fig. 1).

10. It would have been obvious to modify the apparatus of Tsuji et al. wherein a user of the remote isolated circuit generates the input. One would have been motivated to make such a modification so that the apparatus could be instructed to perform a task from a distance, thereby minimizing operator/ device contact as taught by Makrinos et al. (column 3, lines 42-46).

11. As per claim 2, Tsuji et al. disclose an apparatus comprising a fiber optic filament (41, 42)

12. As per claim 3, Tsuji et al. disclose an apparatus comprising a controller (10) coupled to the light source (131) and the sensor (132). Tsuji et al. do not explicitly disclose the controller causing a task to be performed in response to receipt of optical signals.

13. Makrinos et al. disclose an apparatus configured to perform a task in response to optical signals.

14. It would have been obvious to further modify the apparatus of Tsuji et al. wherein the controller performs a task in response to receipt of optical signals. One would have been

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motivated to make such a modification so that the controller could perform a task, initiated from non contact signaling, thereby minimizing operator/ device interaction as taught by Makrinos et al. (column 3, lines 42-46).

15. As per claims 4 and 8, Tsuji et al. disclose an apparatus comprising lenses (133, 23).

16. As per claims 5-7, Tsuji et al. disclose not explicitly disclose an apparatus wherein the detector (223) comprises photonic devices.

17. It would have been obvious to modify the apparatus of Tsuji et al. such that the detector comprises photonic devices. One would have been motivated to make such a modification so that the detector could receive incident photons and convert them to electrical signals, thereby allowing the detector to indicate the intensity of the received energy.

18. As per claim 9, Tsuji et al. disclose an apparatus comprising a controller (10) coupled to a signal generator (222).

19. As per claims 10-19 and 61-69, Tsuji et al. do not explicitly disclose all the limitations as cited in the aforementioned claims, however, Tsuji et al. do anticipate variations, modifications and/or alternate embodiments that do not deviate in scope (or spirit) from the disclosed invention (see column 7, lines 12-18). Additionally, it would have been obvious to one having ordinary skill in the art to devise a system further incorporating various light sources (i.e. monochromatic, laser, LED, pulsed, continuous, wavelength specific, frequency dependent, etc.), configured to supply enough power to receiving elements (see title of Tsuji et al., abstract and summary), since these elements and techniques are well within the skill level of a practitioner in the art.

*Response to Arguments*

20. Applicant's arguments filed 6/13/02 have been fully considered but they are not persuasive. In particular Tsuji et al. has been provided with a supporting reference to meet the limitations as added by amendment. It is the position of the examiner that Makrinos et al. (U.S. Patent 5,796,890) provides a motivation for modifying the method and apparatus of Tsuji et al. such that the apparatus of Tsuji et al. is configured to perform a task based on the receipt of signals from a user of an isolated circuit. Makrinos et al. teach that a device configured to receive signals from a remote user minimizes device/operator contact, which often leads to increased safety in operation and operability of the device from remote locations. In addition, Tsuji et al. teach the ability of the controller to send signals of one bandwidth and to receive signals of another or second bandwidth thereby minimizing cross-talk of signals.

*Conclusion*

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney Thomas whose telephone number is (703) 306-0473. The examiner can normally be reached on M - F (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305 3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0530.

Courtney Thomas

October 19, 2002

  
ROBERT H. KIM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2000